




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

FyI. R2  


JUL 17 2006

Clint Halftown, Representative  
Timothy Two Guns, Representative  
Gary Wheeler, Representative  
Cayuga Nation  
P.O. Box 11  
Versailles, NY 14168-0011

Chief Samuel George, Representative  
Chief William Jacobs, Representative  
Chester Isaac, Representative  
Cayuga Nation  
P.O. Box 116  
Akron, NY 14001

Dear Representatives of the Cayuga Nation Council of Chiefs:

This is a follow-up to my letter to Mr. Clint Halftown dated October 7, 2005 in which I sought clarification as to whether the Cayuga Nation Council of Chiefs continues to support the development of an environmental program through the assistance of the Haudenosaunee Environmental Task Force (HETF) (see attachment 1).

In a letter addressed to Acting Regional Administrator, William Muszynski, dated July 31, 2001, the Cayuga Nation Council of Chiefs "supported the development of an environmental program within the Cayuga Nation through the assistance of the Haudenosaunee Environmental Task Force" (see attachment 2). Over the past several years, Region 2 provided General Assistance Program funds to the HETF to build environmental capacity for a Cayuga Nation environmental program. Currently, the HETF has a workplan for FY 05 & FY 06 which includes environmental capacity building for the Cayuga Nation and which has been fully funded until December 31, 2006. The HETF recently submitted to Region 2 for review its workplan and budget proposal for FY 07 & FY 08 which includes a proposal for the continuation of capacity building for the Cayuga Nation.

Region 2 received a number of letters on this topic. In a letter dated May 11, 2006, Mr. Halftown indicates that the Cayuga Nation decided to establish [its] own environmental program directly and is terminating [its] membership within HETF (see attachment 3). We also received a letter on behalf of three traditional members of the Cayuga Nation Council of Chiefs which purports that "decisions may be made only by a consensus of the Nation's Council" (see attachment 4).

It is Region 2's intention to act in this matter consistent with the will of the Cayuga Nation. At present, it is not clear what that will is. Moreover, under the present circumstances, it is unclear which entity (HETF or the Cayuga Nation) is the eligible grantee for any future EPA grants to build environmental capacity for a Cayuga Nation environmental program. Until there is clarification from the Council of Chiefs, represented as consensus of the chiefs (which we understand is the Cayuga tradition), Region 2 will refrain in the future from awarding any financial assistance either to HETF on behalf of the Cayuga Nation or directly to the Cayuga Nation.

If you have any questions regarding this letter, please feel free to contact me or Grant Jonathan of my staff at 212-637-3843.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. Steinberg". The signature is fluid and cursive, with the first name "Alan" and last name "Steinberg" clearly distinguishable.

Alan Steinberg  
Regional Administrator

cc: Joyce King, HETF, Director  
Joseph Heath, Esq.  
Daniel French, Esq.

Attachments

**ATTACHMENT # 1**

Letter from the U.S. EPA Regional Administrator, Alan Steinberg, to Mr. Clint Halftown dated October 7, 2005.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

OCT 7 2005

Clint Halftown  
Cayuga Nation  
P.O. Box 11  
Versailles, NY 14168

Dear Mr. Halftown:

This is in response to your letters dated August 24, 2005 and September 6, 2005 addressed to U.S. Environmental Protection Agency Region 2 (Region 2) Acting Regional Administrator Kathleen Callahan regarding Cayuga Nation matters. Please be advised that EPA Region 2 has contacted the Bureau of Indian Affairs (BIA) Eastern Area Office in Tennessee and by letter dated September 12, 2005, the BIA has confirmed that it recognizes you as the representative of the Cayuga Nation in its government-to-government relationship with the BIA. Furthermore, in attachments to the same letter, the BIA has indicated to us that the Cayuga Nation reaches decisions based upon a consensus of agreement by the Cayuga Nation Council of Chiefs (see attachment 1).

Consistent with the confirmation provided by the BIA, Region 2 will continue to deal directly with you in its government-to-government interactions with the Cayuga Nation.

With regard to your statements that the Cayuga Nation is formally withdrawing from the Haudenosaunee Environmental Task Force (HETF), EPA seeks further clarification. By letter dated July 31, 2001, EPA was notified that the Cayuga Nation Council of Chiefs supported the development of an environmental program through the assistance of the HETF (see attachment 2). Consistent with that notification, EPA has been providing, and continues to provide, General Assistance Program (GAP) funding through the HETF for the benefit of the Cayuga Nation. We ask that you clarify whether or not the Cayuga Nation Council of Chiefs has withdrawn its support for the HETF. It is, of course, EPA's intention to act on this matter consistent with the will of the Cayuga Nation Council of Chiefs.

On behalf of EPA, I look forward to continuing to work with the Cayuga Nation to protect public health and the environment. If you have any questions, please feel free to contact me or Grant Jonathan of my staff at 212-637-3843.

Sincerely,

A handwritten signature in cursive script, reading "Alan J. Steinberg", is written over a horizontal line.

Alan J. Steinberg  
Regional Administrator

cc: Joyce King, HETF Director  
William Jacobs, Representative, Heron Clan  
Timothy Two Guns, Representative, Turtle Clan  
Gary Wheeler, Representative, Turtle Clan  
Samuel George, Representative, Bear Clan  
Chester Isaacs, Representative, Bear Clan  
Bernadette Hill, Heron, Clanmother  
Inez Jimerson, Bear Clanmother  
Lena Pierce, Turtle Clanmother

bcc: Kathleen Callahan  
Donna Vizian  
Walter Mugdan  
Kevin Bricke  
Joann Brennan-McKee  
Phyllis Feinmark  
Nina Dale  
Nancy Spikofsky  
Grant Jonathan  
Christine Yost  
Janice Whitney  
Cynthia Pabone





United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS  
EASTERN REGIONAL OFFICE  
545 MARRIOTT DR., SUITE 700  
NASHVILLE, TENNESSEE 37214

Grant  
Jonathan

IN REPLY  
REFER TO

SEP 12 2005

Tribal Government Services

Mr. Walter Mudgan, Division Director  
Environmental Protection Agency  
Division of Environmental Planning and Protection  
290 Broadway  
New York, New York 10007

Dear Mr. Mudgan,

On August 29, 2005, we received a call from your staff, Mr. Grant Jonathan, regarding the recognized leadership of Cayuga Nation of Indians (Nation). There is an on-going intra-tribal dispute regarding the Nation's leadership. Until this dispute is resolved, Mr. Clint Halftown will continue to be recognized as the representative of the Nation in its government-to-government relationship with the Bureau of Indian Affairs (BIA).

For your information, we are enclosing copies of two letters sent in March 2005, which address the recognition of Mr. Halftown and the intra-tribal dispute. In the interim, the BIA has offered to provide mediation services for the Nation. At this time, no mediation has occurred between the groups involved in this dispute.

Should you have any questions, please contact Ms. Donna Peterson, Branch of Tribal Government Services, at (615) 564-6750.

Sincerely,

Regional Director

cc: Clint Halftown  
William Jacobs  
Timothy TwoGuns  
Gary Wheeler  
Samuel George  
Chester Isaac

Dan French  
Joe Heath  
Henry Cashen  
Dean White





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Eastern Regional Office  
711 Stewarts Ferry Pike  
Nashville, TN 37214

Joseph J. Heath, Esq.  
Attorney At Law  
716 East Washington Street  
Suite 104  
Syracuse, NY 13210-1502

MAR 17 2005

Martin R. Gold, Esq.  
Sonnenschein Nath & Rosenthal LLP  
1221 Avenue of the Americas  
New York NY 10020

Sirs:

So as to avoid any confusion, I wish to clarify and confirm to you the limitations on the scope of my March 15, 2005 letter to each of you regarding the authority of Clint Halfown as the Cayuga Nation's representative.

As noted in that letter, the Bureau of Indian Affairs in its government-to-government relations with a tribe must be advised by the tribe as to the individuals representing the tribe in such dealings with the Bureau or other agencies of the executive branch of the federal government. As stated in the letter, based on our understanding of the information presented to us, we continue to recognize Mr. Halfown as the Nation's representative in its government-to-government relationship with the Bureau.

The scope of the Bureau's recognition of Mr. Halfown as the Cayuga Nation's representative does not extend to the Nation's dealings with any state or local government, other sovereign entities, corporations and other entities, or individuals. In light of that, my letter of March 15 should not be interpreted to affect the Cayuga Nation's land claim settlement with the State of New York.

Sincerely,

Regional Director

Cc: Dan French  
Martin Gold  
Hilda Manuel

David Moran  
Dean White



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Eastern Regional Office  
711 Stewarts Ferry Pike  
Nashville, TN 37214

MAR 15 2005

Joseph J. Heath  
Attorney At Law  
716 East Washington Street  
Suite 104  
Syracuse, NY 13210-1502

Dear Mr. Heath:

By letter of January 28, 2005 your clients notified me that Clint Halftown was no longer authorized to represent the Cayuga Nation of Indians as he had been removed as Heron Clan representative by Heron Clanmother Bernadette Hill on July 3, 2004. Shortly thereafter I received a letter from Mr. Halftown contending that because his removal had not been properly conducted, he remains as Heron Clan and Nation representative. Following this, we received a council resolution from other members of the Nation Council purporting to remove Mr. Halftown as Nation representative, but continuing to recognize him as a Heron Clan representative.

It is the policy of the Bureau to refrain from engaging in actions which would constitute unnecessary interference in the internal governmental affairs of Indian nations. However, to ensure that the Bureau is dealing with the appropriate legal representative of a nation, it is sometimes necessary to engage in a limited examination of the internal decision making processes of that nation.

In light of the mixed signals that I have received regarding the status of Mr. Halftown with the Nation, I sent Mr. Dean White, Acting New York Field Representative to Gowanda, New York on February 17 to meet with all parties and gather information on my behalf in an effort to further my understanding of the matter. At that meeting, each party was given the opportunity to provide oral and written evidence to support their position regarding this situation.

In considering the January 28 letter, I was concerned about whether the action to remove Mr. Halftown was consistent with accepted Nation law and custom and if the letter was representative of the Nation Council.

After reviewing this information, I find that there is a general disagreement among the Nation leaders concerning Nation custom and law as it pertains to Mr. Halftown's

situation. While all parties agree that that a clanmother is responsible for selecting and removing a chief or representative of her clan, some Council members contend that Mr. Halftown's removal did not follow an applicable set of Nation guidelines. Additionally, some members of the Council contend that the proposed action was required to be brought before the full Council for consideration.

Given this lack of agreement on the part of the Nation Council as to whether Nation law was followed and absent any clear evidence dictating how Nation law and custom apply to this particular circumstance, there is insufficient evidence for me to ascertain if Mr. Halftown's removal was consistent with Nation law governing the removal of a Nation representative.

In considering whether the January 28 letter is a valid expression of the Nation Council in terms of it representing a consensus of the Council, it is necessary to consider if it adheres to the consensus requirement of the Nation. It is my belief from information provided to me that the Nation reaches decisions based upon a consensus of agreement by the Council. I also understand that while clanmothers make recommendations, they do not have a voice in the decision-making process for matters before the Council.

I also understand that a consensus can be reached with some opposition from Council members to the final decision. I do not know at what point opposition to a matter is sufficient to prevent it from being passed by the Council, but it stands to reason that a favorable action would not take place unless at least a majority of the Council either supports it or does not object to it.

It has been presented to me that the Council consists of the following individuals:

Turtle Clan: Representative Timothy Twoguns, Representative Gary Wheeler,  
Clanmother Lena Pierce

Heron Clan: Representative William Jacobs, Representative Clint Halftown, Clanmother Bernadette Hill

Bear Clan: Representative Chester Isaac, Representative Samuel George, Clanmother Inez Jimerson

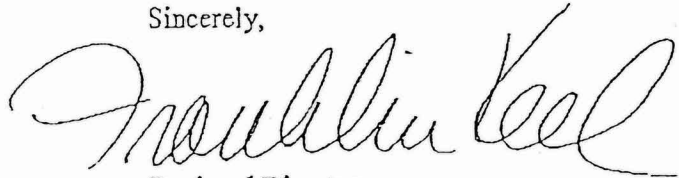
With each clan representative having an equal voice with regard to the matter of Clint Halftown's status with the Nation, the January 28 letter is representative of only three of the six voices on the Council since it is signed by representatives Isaac, Jacobs and George, but not Halftown, Twoguns or Wheeler. Therefore the January 28 letter does not represent the position of a majority of the Council. With the understanding that the Nation does not operate under a "majority rules" tradition, but follows a consensus based decision making process, I can only conclude that less than a majority of support for a position can not be considered a consensus of the Council under any interpretation of the meaning of consensus.

Taken in this regard, the letter does not carry sufficient weight to be considered as a representative view of a consensus of the Council.

I therefore find the January 28 letter to be insufficient to change the Bureau's recognition of Clint Halftown as having the authority to represent of the Cayuga Nation in its dealings with the Federal government.

It saddens me to know that a rift exists within the Cayuga Nation over issues before the Nation leadership. I hope that these differences can be worked out through peaceful, internal means.

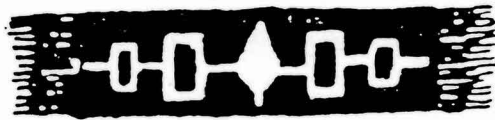
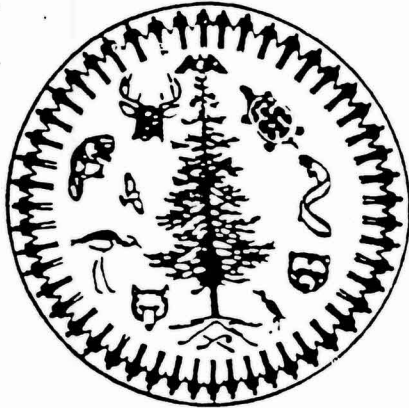
Sincerely,

A handwritten signature in cursive script, appearing to read "Franklin Keel". The signature is fluid and extends across the width of the page.

Regional Director

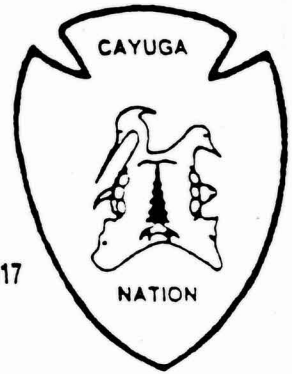
Cc: Dan French  
Martin Gold  
Hilda Manuel  
David Moran  
Dean White

Exhibit B



# HAUDENOSAUNEE CAYUGA NATION

P.O. BOX 11 VERSAILLES, NY 14168-0011 716-532-4847, FAX 716-532-5417



July 31, 2001

Mr. William Muszynski, P.E.  
Acting Regional Administrator  
USEPA, Region 2  
290 Broadway, 26th Floor  
New York, New York 10007

Dear Mr. Muszynski:

The Cayuga Nation and the Council of Chiefs send their greetings to you and your staff. The Cayuga Nation is the Younger Brother of the Haudenosaunee Which is Known to non-Natives as the Iroquois Confederacy, the Six Nations or the Six Nations Iroquois Confederacy.

In 1992, the Haudenosaunee held a Grand Council at Onondaga to discuss the environmental degradation of our communities. In accordance with the Great Law of Peace, the Grand Council passed and agreed, based on Haudenosaunee protocols and cultural beliefs, to establish the Haudenosaunee Environmental Task Force (HETF).

We support the development of an environmental program within the Cayuga Nation through the assistance of the Haudenosaunee Environmental Task Force. We acknowledge that funding must be generated for the support of this program and we request that General Assistance Program Grant funding flow through the Haudenosaunee Environmental Task Force for the purpose of the work. As part of this development, we endorse the development of program level documentation by the Haudenosaunee Environmental Task Force, including, for example, the development of a Quality Management Plan that covers the environmental program to be developed and implemented with the assistance of the Haudenosaunee Environmental Task Force.

The terms of proposals and programs presented and approved by the Cayuga Nation Council of Chiefs, and any modifications mutually agreed upon, shall be carried out to their maximum potential, through the collaboration of Bernadette Hill, as a representative of the Cayuga Nation Environment Program, and as the point person heading up this work and the said Cayuga Nation Council of Chiefs.

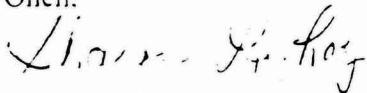
Mr. Muszynski

July 31, 2001

Page 2

In no way does the Cayuga Nation Council of Chiefs relinquish its sovereignty or jurisdiction over its lands in any way with approval of this program. Together, we ask only of each other that this program be an illustration of our mutual objective of protecting and restoring Mother Earth, and that this objective be carried out as an example of Guswentha and the Treaties, keeping with the strictest traditions of the Cayuga Nation.

Oneh.

A handwritten signature in cursive script, appearing to read "Sharon LeRoy".

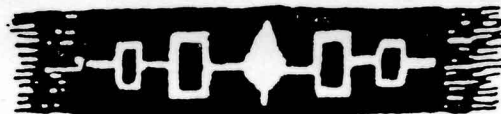
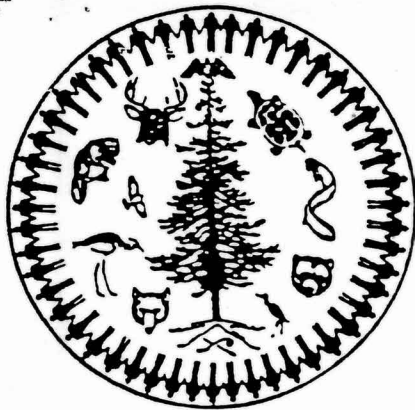
Sharon LeRoy

Secretary of the Cayuga Nation

**ATTACHMENT # 2**

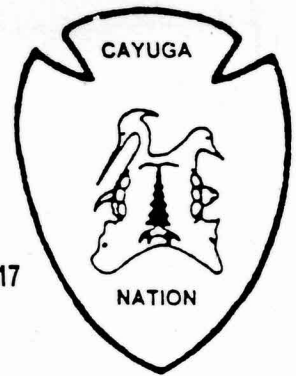
Letter from the Cayuga Nation Council of Chiefs to Acting Regional Administrator,  
William Muszynski, dated July 31, 2001.





# HAUDENOSAUNEE CAYUGA NATION

P.O. BOX 11 VERSAILLES, NY 14168-0011 716-532-4847, FAX 716-532-5417



July 31, 2001

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Acting Regional Administrator  
USEPA, Region 2  
290 Broadway, 26th Floor  
New York, New York 10007

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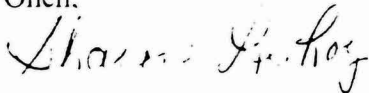
Mr. Muszynski

July 31, 2001

Page 2

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Oneh,

A handwritten signature in cursive script, appearing to read "Sharon LeRoy".

Sharon LeRoy

Secretary of the Cayuga Nation

**ATTACHMENT # 3**

Letter from Mr. Clint Halfown to the U.S. EPA Regional Administrator, Alan Steinberg,  
dated May 11, 2006.

**ACTION**



## **CAYUGA NATION**

**HAUDENOSAUNEE**

P.O. Box 11  
Versailles, NY 14168-0011  
716-337-4270  
TOLL 1-888-532-4847  
FAX 716-337-0268

*Steinburg  
Callahan  
Servidio  
Carro  
cc: m. m. m. / action  
Vigian*

May 11, 2006

Mr. Alan Steinburg  
REgion II Admininistrator  
U.S. Environmental Protection Agency  
290 Broadway  
New Uork, New York 10007

Dear Adminiattrator Steinburg:

Greetings from the Cayuga Nation. We hope that all is well with you and your family.

For the past several years, the Haudenosaunee Environmental Task Force has been receiving funding from your agency to assist the Cayuga Nation in developing and implementing an environmental program.

The Cayuga Nation has decided to establish our own environmental program directly. For this reason, the Cayuga Nation is terminating our membership within the Haudenosaunee Task Force. Effective immediately, no funding which is earmarked for the Cayuga Nation shall be provided to the Haudenosaunee Environmetal Task Force by your agency.

The Cayuga Nation seeks a government-to-government meeting with your Agency to discuss a direct grant relationship, in order to faciliate the establishment of a Cayuga Nation Department of Environmental Services.

Oneh,

Clint Halftown  
Cayuga Nation

10:41 PM 5/11/06

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
JUN 13 AM 9:53  
BY FAX MAIL

**ATTACHMENT # 4**

Letter from Joseph Heath, Esq. to U.S. EPA Regional Administrator, Alan Steinberg,  
dated May 17, 2006.

ENVIRONMENTAL PROTECTION  
AGENCY REGION II

06 MAY 22 2006  
JOSEPH J. HEATH  
ATTORNEY AT LAW  
716 EAST WASHINGTON STREET  
DIV. ENV. PROTECTION  
SUITE 104  
SYRACUSE, NEW YORK 13210-1502  
315-475-2559  
Facsimile  
315-475-2465

**ACTION**

2nd copy (original)

Steinberg  
Callahan  
Sewidio  
Carico  
cc: Mungia/Bethon  
Schoaf

May 17, 2006

**VIA FACSIMILE and FIRST CLASS MAIL**

Alan J. Steinberg  
Region 2 Administrator  
United States Environmental Protection Agency  
290 Broadway  
New York, NY 10007

Response Due  
6/1/06

Direct Reply

**RE: CAYUGA NATION: CLINT HALFTOWN LETTER OF May 11, 2006**

Dear Administrator Steinberg:

In addition to my being General Counsel for the Onondaga Nation, I also have the honor of representing the three traditional members of the Cayuga Nation Council: Chiefs William Jacobs and Samuel George and Bear Clan Representative Chester Isaac, as well as other members of the Nation's traditional leadership. I also represent Daniel C. Hill, the Cayuga Nation Haudenosaunee Environmental Task Force (HETF) technician.

Enclosed please find a copy of the March 15, 2005 letter to me from Bureau of Indian Affairs Eastern Area Regional Director, Franklin Keel. While this letter does continue the BIA's recognition of Mr. Halftown as the "Nation representative", it also clearly sets forth that only decisions made by a consensus of the Nation's Council are valid.

Mr. Halftown does not have the authority to "terminat[e the Nation's] membership within the Haudenosaunee [Environmental] task force", as his May 11<sup>th</sup> letter to you claims. Until your agency is presented with clear evidence that the full Council has met and come to a consensus decision to change the status quo, the Cayuga Nation remains in HETF.

Further, Mr. Halftown does not have authority to say that he speaks on behalf of the Cayuga Nation unless he can show that he is representing a consensus decision of the Council. He simply does not enjoy one man, dictatorial rule. If you or your staff intend to meet with the Cayuga Nation Council, I would request that you notify my office, so that I can ensure that the Council members whom I represent have notice of such a meeting.

Thank you for your attention to this matter and do not hesitate to contact my office

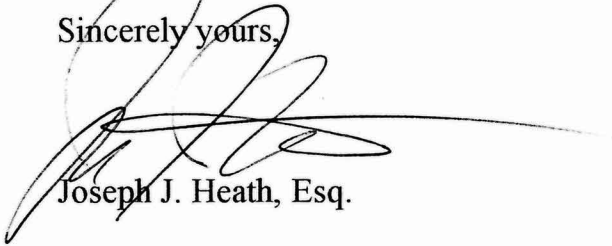
06 MAY 22 2006

US EPA

DIRECTOR ALAN J. STEINBERG  
May 17, 2006  
RE: CAYUGA NATION & HETF  
Page 2

should you or your staff have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joseph J. Heath", with a long horizontal flourish extending to the right.

Joseph J. Heath, Esq.

JJH/pe

cc: Director Franklin Keel  
Christopher A. Amato, Esq.



## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Eastern Regional Office  
711 Stewarts Ferry Pike  
Nashville, TN 37214

a B 9

MAR 15 2005

Joseph J. Heath  
Attorney At Law  
716 East Washington Street  
Suite 104  
Syracuse, NY 13210-1502

Dear Mr. Heath:

By letter of January 28, 2005 your clients notified me that Clint Halftown was no longer authorized to represent the Cayuga Nation of Indians as he had been removed as Heron Clan representative by Heron Clanmother Bernadette Hill on July 3, 2004. Shortly thereafter I received a letter from Mr. Halftown contending that because his removal had not been properly conducted, he remains as Heron Clan and Nation representative. Following this, we received a council resolution from other members of the Nation Council purporting to remove Mr. Halftown as Nation representative, but continuing to recognize him as a Heron Clan representative.

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In considering the January 28 letter, I was concerned about whether the action to remove Mr. Halftown was consistent with accepted Nation law and custom and if the letter was representative of the Nation Council.

After reviewing this information, I find that there is a general disagreement among the Nation leaders concerning Nation custom and law as it pertains to Mr. Halftown's



situation. While all parties agree that a clanmother is responsible for selecting and removing a chief or representative of her clan, some Council members contend that Mr. Halftown's removal did not follow an applicable set of Nation guidelines. Additionally, some members of the Council contend that the proposed action was required to be brought before the full Council for consideration.

Given this lack of agreement on the part of the Nation Council as to whether Nation law was followed and absent any clear evidence dictating how Nation law and custom apply to this particular circumstance, there is insufficient evidence for me to ascertain if Mr. Halftown's removal was consistent with Nation law governing the removal of a Nation representative.

In considering whether the January 28 letter is a valid expression of the Nation Council in terms of it representing a consensus of the Council, it is necessary to consider if it adheres to the consensus requirement of the Nation. It is my belief from information provided to me that the Nation reaches decisions based upon a consensus of agreement by the Council. I also understand that while clanmothers make recommendations, they do not have a voice in the decision-making process for matters before the Council.

I also understand that a consensus can be reached with some opposition from Council members to the final decision. I do not know at what point opposition to a matter is sufficient to prevent it from being passed by the Council, but it stands to reason that a favorable action would not take place unless at least a majority of the Council either supports it or does not object to it.

It has been presented to me that the Council consists of the following individuals:

Turtle Clan: Representative Timothy Twoguns, Representative Gary Wheeler,  
Clanmother Lena Pierce

Heron Clan: Representative William Jacobs, Representative Clint Halftown, Clanmother Bernadette Hill

Bear Clan: Representative Chester Isaac, Representative Samuel George, Clanmother Inez Jimerson

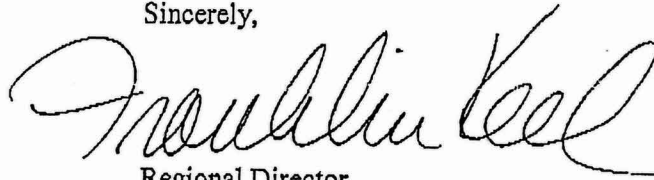
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Taken in this regard, the letter does not carry sufficient weight to be considered as a representative view of a consensus of the Council.

I therefore find the January 28 letter to be insufficient to change the Bureau's recognition of Clint Halftown as having the authority to represent of the Cayuga Nation in its dealings with the Federal government.

It saddens me to know that a rift exists within the Cayuga Nation over issues before the Nation leadership. I hope that these differences can be worked out through peaceful, internal means.

Sincerely,

A handwritten signature in cursive script, appearing to read "Franklin Keel".

Regional Director

Cc: Dan French  
Martin Gold  
Hilda Manuel  
David Moran  
Dean White